AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1 (currently amended). ~~A yeast promoter which comprises at least 17 contiguous nucleotides of an~~ An isolated and purified polynucleotide consisting of ~~which is~~ SEQ ID NO:2, wherein the ~~promoter~~ polynucleotide is operative as a promoter to express a nucleic acid molecule encoding a polypeptide when operably linked to said nucleic acid molecule.

2-8 (cancelled)

9 (currently amended). A yeast expression vector comprising the ~~yeast promoter~~ polynucleotide of claim 1.

10 (currently amended). The yeast expression vector of claim 9 wherein the yeast expression vector is selected from the group consisting of ~~pYLR110P+luc,~~ pYMR251AP+luc, and~~pYMR107P+luc, pZEO1P+luc, pYLR110P,~~ pYMR251AP~~,~~ ~~pYMR107P, and pZEO1P~~.

11-17 (cancelled)

18 (currently amended). A yeast cell transformed with the yeast expression vector of claim 9.

19 (currently amended). A yeast cell transformed with the yeast expression vector of claim 10.

20 (currently amended). A method for producing a polypeptide comprising the steps of:

(a) constructing a yeast expression vector wherein a nucleic acid encoding the polypeptide is controlled by the ~~yeast promoter~~ polynucleotide of claim 1;

(b) transforming a culture of yeast cells with the yeast expression vector;

(c) maintaining the yeast cells in culture so that the polypeptide is expressed; and

(d) recovering the polypeptide.

21 (currently amended). A method for producing a polypeptide comprising the steps of:

(a) cloning a nucleic acid molecule encoding the polypeptide into an expression vector selected from the group consisting of ~~pYLR110P+luc,~~ pYMR251AP+luc, and~~pYMR107P+luc, pZEO1P+luc, pYLR110P~~, pYMR251AP, ~~pYMR107P, and pZEO1P,~~ wherein the nucleic acid molecule is operably linked to a promoter of the expression vector;

(b) transforming a culture of yeast cells with the yeast expression vector;

(c) maintaining the yeast cells in culture so that the polypeptide is expressed; and

(d) recovering the polypeptide.

22 (currently amended). A method for producing a polypeptide comprising the steps of:

(a) constructing a yeast expression vector wherein a nucleic acid molecule encoding the polypeptide is controlled by, the polynucleotide of claim 1; ~~a yeast promoter which comprises at least 17 contiguous nucleotides of an isolated and purified polynucleotide which is SEQ ID NO:2~~;

(b) transforming a culture of yeast cells with the yeast expression vector;

(c) maintaining the yeast cells in culture medium and controlling the expression of the nucleic acid molecule encoding the polypeptide by varying the level of a fermentable carbon source in the culture medium; and

(d) recovering the polypeptide.

23 (currently amended). The method of claim 22 wherein the fermentable carbon source is glucose.

24 (currently amended). A method for producing a polypeptide comprising the steps of:

(a) constructing a yeast expression vector wherein a nucleic acid molecule encoding the polypeptide is controlled by the ~~yeast promoter~~ polynucleotide of claim 1;

(b) transforming a culture of yeast cells with the yeast expression vector;

(c) maintaining the yeast cells in culture medium and controlling the expression of the nucleic acid molecule encoding the polypeptide by varying the level of a non-fermentable carbon source in the culture medium; and

(d) recovering the polypeptide.

25 (currently amended). The method of claim 24 wherein the non-fermentable carbon source is ethanol.

26 (currently amended). A method for producing a polypeptide comprising the steps of:

(a) constructing a yeast expression vector wherein a nucleic acid molecule encoding the polypeptide is controlled by the polynucleotide of claim 1;~~a yeast promoter which comprises at least 17 contiguous nucleotides of an isolated and purified polynucleotide which is SEQ ID NO:2~~;

(b) transforming a culture of yeast cells with the yeast expression vector;

(c) maintaining the yeast cells in culture medium and controlling the expression of the nucleic acid molecule encoding the polypeptide by varying the level of a fermentable carbon source and a non-fermentable carbon source in the culture medium; and

(d) recovering the polypeptide.

27 (currently amended). The method of claim 26 wherein the fermentable carbon source is glucose.

28 (currently amended). The method of claim 26 wherein the non-fermentable carbon source is ethanol.

29 (currently amended). A method of identifying a promoter fragment, wherein the fragment has promoter activity comprising the steps of:

(a) generating a fragment comprising at least 17 contiguous nucleotides of an isolated and purified polynucleotide ~~which is~~ consisting of SEQ ID NO:2;

(b) cloning the fragment into a yeast expression vector, wherein the fragment is operably linked to a reporter gene;

(c) transforming yeast cells with the yeast expression vector;

(d) growing the yeast cells in yeast cell culture under conditions favorable for expression of the reporter gene; and

(e) assaying the yeast culture for a reporter protein expressed by the reporter gene;

wherein expression of the reporter gene indicates the fragment has promoter activity.